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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,458	10/14/2003	Ryan Klinger	DET1916	8849
7590 10/15/2004			EXAMINER	
Sean A. Kaufhold P.O. Box 131447 Carlsbad, CA 92013			ARYANPOUR, MITRA	
			ART UNIT	PAPER NUMBER
			3711	
DATE MAILED: 10/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,458

Applicant(s)

KLINGER ET AL

Examiner

Mitra Aryanpour

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>14 October 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Pearsall (5,823,896).

Regarding claim 1, Pearsall discloses a basketball shooting training device (10) for removably positioning on a basketball rim (regulation rim 14), said device comprising: a loop member (circular shaped member 11) including a top edge (top portion 12), a bottom edge (not identified with a reference number, best seen in figure 3) and a peripheral wall extending between said top and bottom edges, said peripheral wall having an inner surface (inner edge 13) and an outer surface, said loop member having circular shape, an inner diameter of said loop member being at least one inch less than an inner diameter of the rim (see column 3, lines 1-15); and a bracket (clips 15) being attached to said loop member and being positioned adjacent to said bottom edge for selectively securing said loop member to the rim such that said loop member extends upwardly above a plane of the rim (see figures 3 and 4).

Alternatively:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearsall (5,823,896) in view of Gray (3,160,414).

Regarding claim 2, Pearsall does not expressly disclose that the peripheral wall extending at least three inches upwardly from said bracket. Gray shows a practice device, wherein the device comprises a loop (14) having an top and bottom edges and a peripheral wall extending between the top and bottom edges (see figure 2), a bracket (clip 12) positioned adjacent the bottom edge, and wherein the peripheral wall can extend upwardly from the bracket (12) at different heights, but preferably about one inches in order to provide a visible guide for developing a style for accurately making arching shots into the hoop without necessarily touching the edge thereof. In view of Gray it would have been obvious to extend Pearsall's peripheral wall upwardly, the motivation being to provide a visible guide for developing a style for accurately making arching shots into the hoop without necessarily touching the edge thereof.

Regarding claim 3, Pearsall shows the inner diameter of said loop member may be varied from about 17.5 inches to about 13.75 inches (see column 3, lines 3-11), therefore, meeting the claimed limitation.

Regarding claim 4, Pearsall teaches that the loop portion has a suitable thickness and width in order to withstand the impact of a basketball. In a preferred embodiment Pearsall shows said loop member has a width from said inner surface to said outer surface of about 1/8 inch (see column 2, lines 53-55).

Regarding claim 5, Pearsall shows said top edge is rounded (see figure 1).

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Regarding claim 6, Pearsall shows said bracket (clips 15) includes an outwardly extending peripheral flange that is attached to said peripheral wall, said peripheral flange having an outer edge, a downwardly extending first wall being attached to and extending along a length of said outer edge, a downwardly extending second wall being attached to and extending along a length of said bottom edge, a rim receiving space being defined between said first wall and said second wall, said second wall having a plurality of apertures extending therethrough, a plurality of fasteners (20), each of a plurality of fasteners being removably extendable into one of said apertures such that said fasteners extend into said rim receiving space and said rim is positioned between said flange and said fasteners (see figures 2-4; column 3, lines 16-48).

Regarding claim 7, Pearsall shows a head of each of said fasteners (20) is flush with an inner side of said second wall (see column 3, lines 40-42).

Regarding claim 8, Pearsall shows a juncture of said first wall and said flange is rounded (see figure 3).

Regarding claim 9, note the rejection of claim 6.

Regarding claim 10, note the rejection of claim 8.

Regarding claim 11, note the rejection of claims 1-4, 6 and 7.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Aryanpour whose telephone number is 703-308-3550. The examiner can normally be reached on Monday - Friday 9:00 to 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MITRA ARYANPOUR
PATENT EXAMINER

MA

13 October 2004